

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

LYLE STEVEN WISEMER, )

Defendant. )

CASE NO. MJ07-359

DETENTION ORDER

Offense charged:

Possession of Visual Depictions of Minors Engaged in Sexually Explicit Conduct,  
in violation of Title 18, U.S.C., Section 2252(a)(4)(B) and (b)(2).

Date of Detention Hearing: October 11, 2007

The Court, having conducted an uncontested detention hearing pursuant to Title 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which the defendant can meet will reasonably assure the appearance of the defendant as required and the safety of any other person and the community. The Government was represented by Nicholas Brown. The defendant was represented by Brian Tsuchida.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- (1) There is probable cause to believe the defendant committed an offense addressed in the recently enacted Adam Walsh Act involving sexual exploitation of a minor. There is therefore a rebuttable presumption against the defendant's release based upon both dangerousness and flight risk, under Title 18 U.S.C. § 3142(e).
- (2) The defendant has a history of failing to appear and is therefore viewed as a risk of nonappearance.
- (3) There are two active warrants for defendant's arrest.
- (4) After applying the presumptions applicable under the Bail Reform Act and its recent amendments, the Court concludes that the presumption of detention is not overcome. Thus, it appears that there is no condition or combination of conditions that would reasonably assure future Court appearances and/or the safety of other persons or the community.

**It is therefore ORDERED:**

- (1) The defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) The defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

1 (4) The clerk shall direct copies of this order to counsel for the United  
2 States, to counsel for the defendant, to the United States Marshal, and to  
3 the United States Pretrial Services Officer.

4 DATED this 12<sup>th</sup> day of October, 2007.

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7 MONICA J. BENTON  
8 United States Magistrate Judge  
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